

Application No.: 10/068,678

Amendment dated: February 27, 2004

Reply to Office Action of: February 6, 2004

### REMARKS/ARGUMENTS

The examiner has allowed claims 2 and 4 and acknowledged claims 3 and 5 are allowable if rewritten to overcome the rejection under 35 U.S.C. 112, second paragraph. Claims 3 and 5 have been amended to overcome the rejection under 35 U.S.C. 112, second paragraph.

Claim 1 is amended to better define the invention. The two or more score lines and two sealed ends are positively claimed to distinguish the present invention from Tsao.

Tsao (US Patent No. 5,702,035) discloses a tubular container with one sealed end and an open end with an applicator. A liquid is disposed in the tubular container with a non-toxic liquid silicone stopper separating the liquid from an air gap near the open end wherein when the sealed end is broken, the liquid will flow out of the open end into the applicator.

Applicant's invention has a housing with two sealed ends and two or more scorings at predetermined locations with a seal comprising of a viscous substance inserted in the housing separating the liquid enclosed within it from the air thereby creating an air chamber near the sealed end wherein the flow control/shock absorbing seal will maintain the separation between the liquid and the air in the housing and transmit the shock experienced by the liquid during transportation to the air thereby dampening the pressure, and will control the flow of the liquid through the flow control/shock absorbing seal and out the container when the container is opened at the two or more scorings. With just one scoring opened, the liquid in the housing will not be released by gravity alone since the atmospheric pressure and the surface tension will retain the liquid in the housing. It is not until the second scoring is broken that the atmospheric pressure will be equalized and the fluid can then be released.

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Tsao does not teach or suggest the limitations and functions of applicant's invention.

Applicant's invention requires that two scoring be broken open before the liquid in the housing will be released by gravity. Whereas, Tsao already has an open end and only has one sealed end that can be broken. Therefore, applicant's claims are patentable over Tsao since they are not taught or suggested by Tsao and are not obvious in view of Tsao.

Applicant hereby submits that the claim rejections under 35 U.S.C. §112, second paragraph and 35 U.S.C. §103 have all been overcome. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

  
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